THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.3642 of 2006

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Dated: March 6, 2006

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Between:

P.B. Srinivasan, S/o. Balakrishnan,

aged 36 years, Occ: Private service,

C/o. K.S. Electronics, Shop No.2,

Madina Complex, Karimnagar.

… Petitioner

And

Chief Superintendent for PG Examinations,

PG Centre, Karimnagar, and two others.

… Respondents

Order:

The petitioner, who appeared for VI Semester examinations of Bachelor of Laws – 3-

year degree Course, has filed this Writ Petition questioning the order dated 31-12-2005, debarring him from four examinations, viz. October, 2005, October, 2006, October, 2007 and October, 2008, in a proceeding initiated against him on the ground that he was involved in malpractice during the examinations.

2. The petitioner was given a show cause notice stating that the Chief Superintendent of Examinations reported that the petitioner was in possession of forbidden material while writing paper 'Practical Training – III' of L.L.B. VI Semester, in the examination held on
21-10-2005. He was asked to show cause as to why disciplinary proceedings should not be initiated against him and orders be passed debarring him from writing examinations. The petitioner has submitted a detailed explanation denying the allegations, however, final orders were passed debarring him from four examinations, i.e. upto October, 2008. The facts need not be mentioned in detail in view of the order, which is proposed to be passed, and also for the reason that the impugned order has been passed basing on the procedure, which was framed as early as on 25-04-1981 in Proc.No.459/B1/1981. As per Clause 'C' of the said procedure, if the candidate uses the material, he/she shall forego four (4) examinations, including the current one. However, at that point of time, there was no semester system and examinations were held only on yearly basis. Whereas, now, examinations are held at the end of every semester.

3. As much as the impugned order has been passed with reference to the procedure, which was adopted, when the semester system was not in vogue, without going into the merits of the case, I set aside the order dated 31-12-2005 and remit the matter to the Controller of Examinations, for re-consideration. It is needless to observe that punishment in such malpractice cases should be in proportion to the gravity of the misconduct. It is open for the petitioner to make further representation within one week from today, and on such representation being made, the respondents are directed to consider the same and pass appropriate orders on merits, and communicate the same to the petitioner.

4. Subject to the above directions, the Writ Petition is disposed of.

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JUSTICE R. SUBHASH REDDY.

March 6, 2006

MRR